

## **CHAPTER 41**

### **MISCELLANEOUS STREET REGULATIONS**

1. **BARBED WIRE FENCE.** No person, firm or corporation shall erect or maintain in, along or adjacent to any street, alley, sidewalk or public place at an elevation less than six feet above the grade thereof nearest such device or thing, any barbed wire fence or spiked railing or any guard or barricade to which there is attached any barbed wire or barbed or pointed instrument, device or thing of any kind or description, designed, intended or liable to injure any person coming on contact therewith.

2. **FIRES ON PAVEMENTS.** It shall be unlawful for any person to burn weeds, leaves or rubbish or material of any kind upon any bitulithic pavement, asphalt pavement or creosote block pavement in the City. (AMENDED, Ordinance No. 2005-87, September 19, 2005)

3. **BLOCKING CROSSINGS.** No operator or person in charge of a steam, electric or motor driven train or car shall operate or stop the same in such a manner as to prevent passage upon or along a street for more than five consecutive minutes at any one time.

4. **EXCAVATED MATERIAL.** In all pavement construction under any ordinance hereinafter enacted all brick or other excavated material not used in the work shall remain the property of the City. The contractor shall convey such material to such point in the City as may be designated by the Public Works Director, but not more than 2,000 feet.

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All surplus not so claimed or directed to be conveyed by the City shall be the property of the contractor to be disposed of by him as he shall see fit.

(Amended, Ordinance No. 2009-39, May 18, 2009)

(Amended, Ordinance No. 2000-63, July 17, 2000)

5. **BUILDINGS; SIGNS.** No person shall make or cause to be made any enclosure, fence, sign, archway, building or structure of any kind upon, over, into or across any street, avenue, alley or sidewalk within the City, except upon approval of the Building Inspections Manager, subject to all applicable provisions of the Building Ordinance and the Building Code. Any person or persons granted such approval for any such enclosure, fence, sign, archway, building or structure suspended over a street or extending into a street more than fifteen (15) inches beyond the building line shall file with the City a public liability insurance policy with the City as a named insured, indemnifying the City against loss or damage to person or property in the minimum amount of One Million Dollars (\$1,000,000) per occurrence, combined single limit, and Two Million Dollars (\$2,000,000) aggregate, with a provision that the same may not be canceled except after thirty (30) days prior notice to the City. Approval for such structures or signs granted as herein provided shall be considered a privilege only and shall not be deemed to create any vested right in the continuance of such structures or signs, and such approval may be revoked in the same manner and by the same officer which granted the same.

(Amended, Ordinance No. 2009-39, May 18, 2009)

(Amended, Ordinance No. 96-48, July 15, 1996)

6. **HANDBILLS.** No person, firm or corporation shall, either directly or indirectly, place or cause to be placed, broadcast, scatter or throw any poster, handbill, dodger, circular, leaflet, pamphlet, newspaper or written or printed matter of any kind whatsoever in or upon any public street, alley or other public ground so as to litter the same, nor in and upon any part of any

vehicle standing or parked in or upon or using any public street, alley or other public ground, except upon consent of the owner of such vehicle; nor in or upon any porch, steps or yard of any residence, private property or other premises unless the same be rolled or fastened or weighted down so it shall not be blown about or scattered by the wind.

7. **LIABILITY FOR INJURY.** Any person who shall place or leave or cause to be placed or left any encroachment, obstruction or encumbrance in or upon any street, alley, avenue or sidewalk, shall in all cases be liable to the City and to private persons for all injury or damage arising therefrom.

8. **MERCHANDISE ON SIDEWALK.** No person, firm or corporation while receiving or delivering goods, wares or merchandise, shall permit the same to remain on any sidewalk longer than two hours and for this purpose shall occupy only so much of the outer edge of the sidewalk as will leave an unoccupied space of at least four feet in width of such sidewalk for the use of pedestrians.

9. **OBSTRUCTING STREET.** No person shall place, throw or leave or cause to be placed, thrown or left any obstruction or encumbrance in or upon any street, avenue or alley except materials for construction as herein permitted.

10. **OFFENSIVE VEHICLES.** No vehicle used for conveying animals, alive or dead, from which vehicle offensive odors emanate, caused from said conveying, or lately having conveyed such animals, shall be parked or stand in any public street or alley in the City except after a thorough cleansing.

11. **PARADES; PROCESSIONS.** No person, firm or corporation shall hold or conduct any procession or parade through the streets of the City, other than a funeral procession, except upon permit of the Chief of Police.

**12. SALES ON SIDEWALKS AND PUBLIC PLACES.**

(A) No person, firm or corporation shall use any street, alley, sidewalk, parkway or other public place for the storage, sale or display of any goods, wares or merchandise, except as expressly provided herein; provided that, the City Manager may authorize sidewalk permits to be issued for the display and sale of goods and merchandise on sidewalks in areas designated by such officer for periods of time not exceeding three (3) days. A sidewalk permit shall designate what portions of the sidewalk shall be used for such purpose. The fee for such permit shall be \$25.00, and may not be pro-rated. (AMENDED, Ordinance No. 2007-63, July 16, 2007)

(B) The Public Works Director may issue a license for the use of public sidewalks for outdoor dining to the owner or operator of any restaurant, as defined and licensed by the Macon County Board of Health, subject to the following conditions:

(1) The restaurant occupies and uses a building located in the Central Business District, for the sale and service of food for immediate consumption on public sidewalks adjacent to said building.

(2) The application for permit that includes a scaled drawing showing the location of any tables, chairs or other furniture, or of any object or structure whatsoever to be used in conjunction with such sale and service of food, shall be approved by the Public Works Department and the Planning and Building Services Department.

(3) Photographs and catalog cuts of any proposed temporary fencing products shall be submitted with the application and are subject to approval by the Public Works Director.

(4) No table, chair or other object may be located within four (4) feet of any intersection, as defined in the Illinois Vehicle Code, and such tables, chairs and other objects must be located so as to provide a minimum of four (4) feet of unobstructed passage.

(5) Such sale and service of food shall be limited to the restaurants normal hours and days of operation. All tables, chairs, and other objects must be removed when snow is present on the sidewalk.

(6) Food preparation and live entertainment is prohibited on the public sidewalk.

(7) An applicant for a license for the sale and service of food as herein provided shall obtain, and at all times thereafter during the license year keep in full force and effect, general liability and property damage insurance, with the City as an additional named insured and in amounts not less than \$1,000,000 per occurrence, \$2,000,000 combined, single limit; said applicant shall file with the City a Certificate of Insurance evidencing such fact, and said Certificate shall provide for not less than 30 days notice to all insured prior to cancellation.

(8) Any owner or operator licensed under the provisions hereof may serve alcoholic liquor for consumption on said public sidewalks adjacent to the licensed restaurant, provided that (1) said restaurant is also properly licensed for the sale of alcoholic liquor for consumption on the premises, in which case the adjacent sidewalk or sidewalks shall be considered an extension of such licensed premises and shall be subject to all rules, regulations and restrictions applying to such premises; and (2) any alcohol served at an outdoor table must be served in a glass or plastic cup. Beer cans or bottles are prohibited and wine bottles must be presented in a sheath or ice bucket; and (3) the City is named as an additional insured on the owner's or operator's dram shop insurance policy, with a Certificate of Insurance furnished to the City showing such fact and providing 30 days notice to all insured prior to cancellation.

(9) Licenses issued hereunder shall expire and terminate on the 31st day of December next following the effective date thereof. The fee for such license shall be \$100.00, and may not be pro-rated.

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(Amended, Ordinance No. 2009-39, May 18, 2009)

(Amended, Ordinance No. 2006-83, September 5, 2006)

(Amended, Ordinance No. 2000-63, July 17, 2000)

(C) As used in this section, the following phrases have the meanings herein ascribed to each:

Central Business District - That area bounded on the north by the right-of-way line of Eldorado Street, on the west by the right-of-way line of Church Street, on the south by the right-of-way line of Wood Street, and on the east by the right-of-way line of Martin Luther King Jr. Drive.

Central Park - That area bounded on the north by the right-of-way line of North Park Street, on the west by the right-of-way line of North Water Street, on the south by the right-of-way line of South Park Street, and on the east by the right-of-way line of North Franklin Street.

(D) The City Manager may, by regulation, exempt fairs, festivals and community and charitable events from the operation of this section, and may further, by regulation, prohibit operations by such licensees during said events.

(Amended, Ordinance No. 92-58, July 13, 1992)

### 13. FOOD AND BEVERAGE CARTS.

(Amended, Ordinance No. 2009-39, May 18, 2009)

(Amended, Ordinance No. 2007-63, July 16, 2007)

(A). No person, firm or corporation shall use the public sidewalk, public right-of-way or Central Park for the sale of food and/or beverage without the authorization of the City Manager. A food and beverage cart permit shall designate where the cart shall be located. A food and beverage cart vendor may submit up to two (2) locations for conducting business. No food and beverage cart vendor may sell their food or beverage at any other location than what is allowed by permit. Location(s) may be changed after 60 days with approval from the Public Works Director. The fee for such permit shall be \$150.00, and may not be pro-rated. Only three (3) permits shall be granted.

(B). The Public Works Director may issue a permit for the use of the public sidewalk, public right-of-way or Central Park for any food and beverage cart to the owner or operator of said food and beverage cart, as defined and licensed by the Macon County Health Department, subject to the following conditions:

(1) The food and beverage cart shall not be located in public parking spaces and shall only occupy and use approved public locations in the Central Business District. Permittee shall provide photographs of the location and condition of the sidewalk, pavement, lawn or other surface before a permit is issued.

(2) No permittee shall be located in a restaurant/store/office frontage right-of-way or inhibit customer traffic unless written approval has been received from said restaurant/store/office owner/operator. Written approval must be submitted with application.

(3) Photographs and dimensions of the food and beverage cart shall be submitted with the application and are subject to approval by the Public Works Director.

(4) No cart, table, chair or other object may be located within four (4) feet of any intersection, as defined in the Illinois Vehicle Code, and such carts, tables, chairs and other objects must be located so as to provide a minimum of four (4) feet of unobstructed passage. Dimensions of the unobstructed pathway width shall be submitted.

(5) No permittee shall engage in the business of food and beverage cart vending between the hours of 9:00 P.M. to 9:00 A. M. Permitted season of operation is from March 15 to November 30. (Amended, Ordinance No. 2008-75, September 15, 2008)

(6) No permittee shall leave any food and beverage cart unattended. No permittee shall store any food and beverage cart on the public sidewalk, public right-of-way or in Central Park at any time.

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(7) No permittee shall park any motor vehicle other than in a lawful parking place in conformance with city and state parking regulations.

(8) All permittees shall have available their own 20 gallon trash receptacle to be available for their patron's use.

(9) No permittee shall leave their location without first picking up, removing and dispensing of all trash or refuse from the sales made by them. No permittee shall dispose of trash or refuse in the public trash receptacles.

(10) No permittee shall solicit or conduct business with persons in motor vehicles.

(11) No permittee shall sell anything other than food and beverage.

(12) Only the warming or cooling of food and beverage shall be permitted.

(13) Generators shall be prohibited. The use of public electrical outlets shall be prohibited.

(14) Carts shall be in good repair with no signs of visible damage/wear and tear. They shall not detract from the visual aesthetics of downtown.

(15) Carts shall only have one (1) sign and be affixed to the cart.

(16) The sale/serving of items in glass containers is prohibited. Any item(s) originally packaged in a glass container shall be served in a plastic or paper container.

(17) Loud music and loud noises shall be prohibited.

(18) No permittee shall deface, mar, mark, damage or destroy public sidewalks, public right-of way or Central Park. All stains from wheels, spillage or other cause shall be removed within two (2) days. All carts shall be provided with a protective pad under their cart and site to



protect the public sidewalk, public right-of-way or Central Park property. Photographs of the existing public right-of-way shall be submitted.

(19) An applicant for a permit for the sale and service of food and beverage as herein provided shall obtain and at all times thereafter during a permit year keep in full force and effect, general liability and property damage insurance, with the City as an additional named insured and in amounts not less than \$1,000,000 per occurrence, \$2,000,000 aggregate; said applicant shall file with the City a Certificate of Insurance evidencing such fact, and said Certificate shall provide for not less than 30 days notice to all insured prior to cancellation.

(C) As used in this section, the following phrases have the meaning herein ascribed to each:

Food and Beverage Cart – Means any table, pushcart, wagon or other wheeled vehicle or devise which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Secretary of the State.

Central Business District – That area bounded on the north by the right-of-way line of Eldorado Street, on the west by the right-of-way line of Church Street, on the south by the right-of-way line of Wood Street, and on the east by the right-of-way line of Martin Luther King, Jr. Drive.

Central Park – That area bounded on the north by the right-of-way line of North Park Street, on the west by the right-of-way line of North Water Street, on the south by the right-of-way line of South Park Street, and on the east by the right-of-way line of North Franklin Street.

(D) The City Manager may, by regulation, exempt fairs, festivals and community and charitable events from the operation of this section, and may further, by regulation, prohibit operations by such licensees during said events.

14. **POSTING OF POSTERS.** That the posting, fastening or otherwise affixing posters, placards, notices or advertisements of any kind or character on any pole located on any

of the streets and alleys of the City of Decatur is hereby forbidden except such legal notices as are required by law to be posted.

15. **TEMPORARY BANNERS.** The City Manager is authorized to issue permits for temporary banner signs over the streets of the City upon the following conditions:

- (a) The lowest part of said sign must be at least 25 feet above the street.
- (b) Said permit shall be issued to local religious, charitable or other non-profit organizations only.
- (c) The City must be protected from liability by adequate public liability insurance.
- (d) Such permits shall be issued for limited periods only.

16. **BICYCLES ON SIDEWALKS AND CENTRAL PARK.** The operation and use of bicycles, roller skates, skateboards, scooters and all other similar devices propelled by human power, but excluding wheelchairs, strollers or baby carriages, and push carts, be, and the same is hereby prohibited, and no person shall use, operate or ride on such vehicles or devices, at any point in that area commonly known as Central Park or on any sidewalk located in the following described area:

That area bounded on the north by the north right-of-way line of Eldorado Street, on the west by the west right-of-way line of Church Street, on the south by the south right-of-way line of Wood Street, and on the east by the east right-of-way line of Martin Luther King Jr. Drive.

For purposes of this section, "sidewalk" shall have the meaning ascribed to it in Chapter 34 of the City Code.

17. **CENTRAL PARK FOUNTAIN.** It is hereby prohibited to enter into or on the fountain located in what is commonly known as Central Park with the exception of City personnel or those at the direction of the City in the performance of their duties.

(Amended, Ordinance No. 2007-63, July 16, 2007)

18. DOWNTOWN ENTERTAINMENT PERMITS.

(A) No person, firm or corporation shall allow outdoor entertainment in the Central Business District that is likely to produce audible sound or noise at a level to be heard by surrounding businesses or residents without first having obtained a permit therefor.

(B) Applications. Before any permit as required by the preceding section shall be issued, the person, firm or corporation desiring such permit shall make application to the City Manager upon forms provided by the City. There is no permit fee.

(C) Hours. No outdoor entertainment shall be permitted after 12:00 a.m. midnight.

(D) Central Business District. That area bounded on the north by the right-of-way line of Eldorado Street, on the west by the right-of-way line of Church Street, on the south by the right-of-way line of Wood Street, and on the east by the right-of-way line of Martin Luther King Jr. Drive.

(E) Exemptions. The City Manager may, by regulation, exempt fairs, festivals and community and charitable events from the operation of this section. Further, entertainment sponsored by the City of Decatur or City Centre Decatur are exempt.

(Amended, Ordinance No. 2007-66, August 6, 2007)

19. **HONORARY STREET SIGN PROGRAM.** As a means to honor Decatur residents, either past or present, who have made significant contributions to the city as determined by the Decatur City Council and/or city staff, the City of Decatur shall establish an Honorary Street Naming Sign program as described below. All honorary street name signs shall comply with the guidelines of this program and honorary street name signs shall not have the effect of changing platted street names or official addresses. (A) Application Process - Honorary

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street name designation shall be limited to individuals, organizations, entities and events of local significance to the City of Decatur as determined by the Decatur City Council. Petitions signed by no less than 75 residents shall accompany requests. Said requests would then be forwarded to the Mayor and City Council and scheduled for a vote if a majority of the Decatur City Council calls for it either during the “other business” portion of a regular meeting or by contacting the city manager. The City Manager, mayor and/or two council members may also forward a request to the council in the absence of a petition and a majority of the council would have to call for the request to be voted upon for the issue to be considered. The request will be considered “denied” if a majority of the Decatur City Council does not call for it to be brought forward within 30 days of the submission of the request or if a majority of the council were to vote “no” when the request is brought forward for a vote. (B) Number of Signs - The Decatur City Council will designate a maximum of five (5) honorary streets per year. If there is a street, or portion of a street (except intersecting streets), that has been designated with an honorary street name, no other such name shall be given to the street or section of street. The city shall also have the ultimate authority to determine how many signs shall be placed in an area and how much of the street will be designated with an honorary name. (C) Cost - The person (s) or organization making the request shall be responsible for the cost of creating and installing the sign. (D) Duration - The city replaces street name signs on an approximate ten (10) year cycle. Honorary street name designations will be reviewed and considered by the City Council for continuation as new street name signs are being placed in the area. (E) Notification – The City shall cause letters to be sent to residents and/or businesses in the vicinity of the proposed honorary designation in advance notifying them that an honorary designation has been proposed for their area and that they should continue using the regular street name in all correspondence. The

letters would also encourage said residents and/or business owners to contact the city with questions.

(Amended, Ordinance No. 2009-60, August 17, 2009)

20. **PENALTY.** Any person, firm or corporation who shall violate any of the provisions of this Chapter shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day on which a violation occurs or continues shall be considered as a separate offense. (Amended, Ordinance No. 2011-69)

21. **NUISANCES.** Any violation of either Sections 1, 5, 6, 8, 9, 12, 13, 17, or 18 is hereby declared to be a nuisance and may be abated as such in addition to any fine or penalty imposed.

(AMENDED, Ordinance No. 2007-66, August 6, 2007)

(AMENDED, Ordinance No. 2007-63, July 16, 2007)